

REMARKS

In the aforementioned Office Action, claims 1-24 were examined and rejected. The specification and claims 5, 6, 13, and 14 were objected to. Applicants are amending the specification and claims 5, 6, 13, and 14. In view of the foregoing amendments and following remarks, Applicants hereby respectfully request reconsideration of the Application.

Specification

In paragraph 1 of the Office Action, the Examiner objected to the phrase "FIG. 2A" of paragraph 3 on page 4 of the specification. In response, Applicants are replacing the phrase "FIG. 2A" with the phrase "FIG. 2B."

Claim Objections

In paragraph 2 of the Office Action, the Examiner objected to informalities recited in claims 5, 6, 13, and 14. In response, Applicants are replacing the phrase "an external magnetic medium" recited in claims 5 and 13 with the phrase "a magnetic medium," and the phrase "an external optical medium" recited in claims 6 and 14 with the phrase "an optical medium."

Rejection under 35 U.S.C. § 102

In paragraph 4 of the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by *Tanaka et al.* (U.S. Patent No. 6,120,379). Applicants respectfully traverse.

Claim 1 recites in part,

A machine-readable medium having embodied thereon an image management program, the program being executable ... to perform method steps for capturing, controlling and managing an image, the method steps comprising ... managing the display of a graphical user interface on the display screen, the user interface comprising at least one interactive icon, the interactive icon being capable of executing a routine within the program upon activation of said icon by a user.

The Examiner states, paragraph 4, page 4, “[t]he character that the user controls in game mode with the switches serves as the icon” ..., the “interactive icon being capable of executing a routine within the program upon activation of said icon by a user,” and “[t]he icon is interactive seeing that the user presses the control switches and the processor moves the icon on the screen accordingly.”

However, Applicants submit that the character that a user controls in a game mode is **not** an icon. The Merriam-Webster online dictionary defines an icon as “a graphic symbol on a computer display screen that suggests the purpose of an available function.” A character of an electronic game displayed on a screen does not suggest a “purpose of an available function.”

Furthermore, even if the game character is an interactive icon, although Applicants contend that it is not, the interactive icon is not capable of “**executing** a routine within the program upon activation of said icon,” as claimed (emphasis added). Applicants submit that given the definition of an icon (i.e., a given icon suggests a purpose of an available function), the given icon is capable of executing the available function (i.e., a routine) upon activation of the given icon. In contrast, when a user manipulates control switches, the game character simply follows commands associated with the movement of the control switches. The game character is **not** capable and **does not** execute an available function when the control switches are pressed or manipulated.

In addition, even if the game character is an interactive icon being capable of executing a routine, although Applicants submit that the game character is not an interactive icon and is not capable of executing a routine, Applicants submit that *Tanaka et al.* does not disclose a game character “capable of executing a routine **within the program**,” as claimed, where the program is an image management program executable to perform method steps of capturing, controlling and managing an image (emphasis added).

Based at least upon the above remarks, Applicants respectfully submit that *Tanaka et al.* does not anticipate claim 1, and request that claim 1 be allowed.

With regard to claim 2, the Examiner contends that *Tanaka et al.* discloses a method step of “controlling one or more operational modes of the image capture device,” as claimed. The Examiner specifically refers to steps S5, S11, S21, S24, and S27 as illustrated in FIG. 14 (*Tanaka et al.*) Applicants respectfully submit that the steps S1, S11, S21, S24, and S27 do **not** control operational modes of the image pickup device 33 (FIG. 13). Specifically, *Tanaka et al.* does not disclose, nor has the Examiner shown, how these steps control operational modes of the image pickup device 33. Applicants submit that these steps control functions performed by the CPU 51 (FIG. 13) with regard to operation of the body portion 20 (FIG. 1) of the portable game machine 10 (FIG. 1). For example, when a normal game mode is selected by a user in step S5, “the CPU 51 executes game processing ... based on the game program stored in the game program storage area 45a” (col. 11, lines 4-7). In another example, when the camera shooting mode is selected in step S11, “the CPU 51 provides the format converting processing circuit 56 with a conversion instruction signal” (col. 11, lines 28-29). Applicants submit that these steps do not control any

operational mode of the image pickup device 33. Based at least upon the above remarks, Applicants respectfully submit that *Tanaka et al.* does not anticipate claim 2, and request that claim 2 be allowed

With regard to claim 4, the Examiner contends that *Tanaka et al.* discloses "said program is transferred from the image capture device to the electronic device for execution," as claimed. Specifically, the Examiner states "the program is transferred from the ROM (figure 13, element 45) of the image capture device (figure 1, element 30) to the CPU (figure 13, element 51) of the electronic device." However, Applicants submit that the ROM 45 is not a component of the image capture device 30. For example, FIG. 13 clearly illustrates that the image pickup device 33 and the ROM 45 are two separate components of the portable game machine 10. Thus, Applicants submit that *Tanaka et al.* does not disclose, nor has the Examiner shown, a method step wherein "said program is transferred from the image capture device to the electronic device for execution," as claimed. Based at least upon the above remarks, Applicants respectfully submit that *Tanaka et al.* does not anticipate claim 4, and request that claim 4 be allowed

Furthermore, since claims 2-7 depend from claim 1, Applicants submit that *Tanaka et al.* does not anticipate claims 2-7 for at least the same reasons given above in conjunction with claim 1, and request that claims 2-7 be allowed.

In paragraph 5 of the Office Action, the Examiner rejected claims 8-10, 12, 18-20, and 24 under 35 U.S.C. § 102(b) as being anticipated by *Parulski et al.* (U.S. Patent No. 5,943,603). Applicants respectfully traverse.

With regard to claim 8, the Examiner states that *Parulski et al.* discloses an "image management engine capable of implementing a plurality of functions for capturing, managing and viewing said images (see column 3, lines 60-67)." Upon a careful review of *Parulski et al.*, Applicants respectfully submit that activation of a camera application program stored in a memory unit of the pen-based computer 12 (FIG. 6) allows the user to view a stored image (captured by the camera module 10) and a transmission selection menu on a display screen 16 (FIG. 6), and further facilitates transmission of the image to one or more receiver units A, B, or C (col. 3, line 44 – col. 4, line 1). However, in contrast to the present invention as claimed, the camera application program of *Parulski et al.* does not implement a plurality of functions for capturing and managing live or stored images on the electronic device. For example, *Parulski et al.* discloses, col. 3, lines 51-63, that a user frames a subject using an optical viewfinder 18 of the camera module 10 and presses the capture switch 20 to expose the electronic image sensor 36 to scene light. The image captured by the electronic sensor 36 is processed by the image signal processor 40 and then is supplied to the pen-based computer 12 (i.e., the electronic device) via the connector 26. However, *Parulski et al.* does not disclose that the camera application program or the electronic device controls or implements capture of electronic images. In other words, the camera module 10 functions separately to capture images and only uses the electronic device to transmit these captured images.

In addition, *Parulski et al.* states, col. 2, lines 61-63, "[t]he camera module 10 takes **still** images that can be displayed on an interactive display screen 16 of the pen-based computer 12." That is, *Parulski et al.*'s camera module 10 does **not** take live images for display. In contrast, the system of the present invention

comprises a display for displaying **live** or stored images, and an image management engine capable of implementing functions for capturing, managing, and viewing the live or stored images on the display. That is, claim 8 recites, “a display, for selectively displaying text and one or more **live** or stored images, and ... image management engine capable of implementing a plurality of functions for capturing, managing and viewing said images,” (emphasis added).

Furthermore, *Parulski et al.* does not disclose a system for managing images. *Parulski et al.*'s system simply displays stored images and allows a user options to transmit the stored images to one or more receiver units. In contrast, the present invention's image management engine is configured to manage images. For example, the specification states, page 6, lines 4-5, “[t]he image management engine 185 includes one or more image management routines” FIG. 2B illustrates several of the image management routines of the image management engine 185, and FIG. 3 illustrates an exemplary diagram of a user interface screen comprising graphical icons representative of the image management routines that are selectable by a user to manage an image. FIG. 6 illustrates graphical icons 610, 620, 630, and 640 representative of other graphical management tasks and displayed in the lower right display area 220 (FIG. 2A). Applicants submit that *Parulski et al.* does not suggest, teach, or disclose an “image management engine capable of implementing a plurality of functions for ... managing ... said images,” as claimed.

In addition, the Examiner states that *Parulski et al.* discloses an electronic device (i.e. pen-based computer 12, FIG. 1) comprising a processor 42 (FIG. 4), and an image capture device (i.e., camera module 10, FIG. 1) removably attached to the electronic device 12. However, Applicants submit that processor

42 is a component of the camera module 10, and **not** a component of the pen-based computer 12. As disclosed by *Parulski et al.*, col. 3, lines 19-43, FIG. 4 is a schematic block diagram of the internal components of the camera module 10, clearly illustrating the camera control processor 42. Thus, the Examiner has not shown that *Parulski et al.* discloses “an electronic device, **further comprising: a processor,**” and “an image capture device removably attached to said electronic device,” as claimed (emphasis added).

Finally, although *Parulski et al.* discloses a camera application program stored in a memory unit of the pen-based computer 12, *Parulski et al.* does not disclose “an electronic device, further comprising: a processor ... and an image management engine loaded into said memory and **executed by said processor,**” as claimed.

Based at least upon the above remarks, Applicants respectfully submit that *Parulski et al.* does not anticipate claim 8, and request that claim 8 be allowed. Furthermore, since claims 9-10, 12, and 18 depend either directly or indirectly from claim 8, Applicants submit that *Parulski et al.* does not anticipate claims 9-10, 12, and 18 for at least the same reasons given above in conjunction with claim 8, and request that claims 9-10, 12, and 18 be allowed.

With regard to claim 19, the Examiner states that *Parulski et al.* discloses “a method for managing live images on an electronic device ... comprising the steps of: ‘providing a display for viewing said images’” However, Applicants submit that *Parulski et al.* does **not** disclose “a method for managing **live** images on an electronic device, comprising the steps of: providing a display for viewing **said images** ...,” as claimed (emphasis added). Applicants submit that *Parulski et al.*’s system transmits still images. For example, *Parulski et al.* states, col. 3,

lines 3-5, “[s]till images captured by the camera module 10” and supplied to the pen-based computer 12 via the connector 26 “are transmitted from the pen-based computer 12 to one or more receiver units” In addition, *Parulski et al.* states, col. 1, lines 55-57, “[t]he electronic image data generated by the camera module is supplied to the portable computer for display on the display screen.”

Based at least upon the above remarks, Applicants respectfully submit that *Parulski et al.* does not anticipate claim 19, and request that claim 19 be allowed. Furthermore, since claims 20 and 24 depend from claim 19, Applicants submit that *Parulski et al.* does not anticipate claims 20 and 24 for at least the same reasons given above in conjunction with claim 19, and request that claims 20 and 24 be allowed.

Rejection under 35 U.S.C. § 103

In paragraph 7 of the Office Action, the Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Parulski et al.* in view of *Tullis* (U.S. Patent No. 6,535,243). Applicants submit that the combination of *Tullis* with *Parulski et al.* does not remedy the deficiencies of *Parulski et al.* discussed above in conjunction with independent claim 8. Based at least upon the above remarks with respect to claim 8, Applicants respectfully submit that claim 11, dependent indirectly from claim 8, is not obvious over *Parulski et al.* in view of *Tullis*, and request that claim 11 be allowed.

In paragraph 8 of the Office Action, the Examiner rejected claims 13, 14, and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over *Parulski et al.* in view of *Tanaka et al.* Applicants respectfully submit that the combination of *Tanaka et al.* with *Parulski et al.* does not remedy the deficiencies of *Parulski et*

al. discussed above in conjunction with independent claim 8. Based at least upon the above remarks with respect to claim 8, Applicants respectfully submit that claims 13, 14, and 15-17 are not obvious over *Parulski et al.* in view of *Tanaka et al.*, and request that claims 13, 14, and 15-17 be allowed.

In paragraph 9 of the Office Action, the Examiner rejected claims 21-23 under 35 U.S.C. § 103(a) as being unpatentable over *Parulski et al.* in view of *Wakabayashi et al.* (U.S. Patent No. 6,535,243). Applicants respectfully submit that the combination of *Wakabayashi et al.* with *Parulski et al.* does not remedy the deficiencies of *Parulski et al.* discussed above in conjunction with independent claim 19. Based at least upon the above remarks with respect to claim 19, Applicants respectfully submit that claims 21-23 are not obvious over *Parulski et al.* in view of *Wakabayashi et al.*, and request that claims 21-23 be allowed.

Based on the foregoing remarks, Applicants believe that the rejections in the Office Action of November 12, 2003 are fully overcome, and that the Application is in condition for allowance. If the Examiner has questions regarding the case, the Examiner is invited to contact Applicants' undersigned representative at the number given below.

Respectfully submitted,

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